

SIDNEY A. LUSCUTOFF (096943)
JEAN-YVES LENDORMY (101695)
LUSCUTOFF, LENDORMY & ASSOCIATES
400 Montgomery Street, Suite 600
San Francisco, California 94104-1217

Tel: (415) 989-7500
Fax: (415) 989-1465
Email: sidney.luscutoff@lla-law.com

Attorneys for Defendant Stephane Dessus

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for Downey
Savings and Loan Association, F.A.,

Plaintiffs,

vs.

AMERICAN PRIME FUNDING, INC., a
dissolved Nevada corporation

Defendants,

Case No. 11-cv-00996-~~EDL~~ SC

**STIPULATION AND ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE**

Date: July 8, 2011
Time: 10:00 a.m.
Courtroom: 1

Plaintiff FDIC and Defendants Stephane Dessus and Flor Mendoza, all the parties appearing, stipulate through their respective counsel that the July 8, 2011 Case Management Conference may and should be deferred to November 18, 2011.

For the below noted reasons, including the success of recent settlement negotiations, the parties Stipulate that good cause exists to defer to November 18, 2011, the currently scheduled July 8, 2011 Case Management Conference, together with any hearing on the Motion To Dismiss earlier filed by Stephane Dessus.

1 1. Plaintiff FDIC and Defendant Stephane Dessus have engaged in productive
2 settlement discussions; and a conditional settlement has been reached between Plaintiff
3 FDIC and Defendant Dessus. That settlement now depends upon final approval from the
4 Washington, D.C. headquarters of the FDIC.

5 2. Counsel for the Plaintiff FDIC, based on recent experience, expects that it may take
6 upwards of ninety (90) days for the conditional settlement with Defendant Dessus to pass
7 through the necessary review process and be finally approved in Washington, D.C.

8 3. During this time of administrative review (of the conditional Dessus settlement) it
9 would be counterproductive for these settling parties to further engage in the litigation of this
10 dispute or to pursue otherwise time consuming and expensive litigation processes, pleadings
11 or procedures. This includes engaging in discovery and litigating any motions, such as the
12 Motion To Dismiss that was filed by Stephane Dessus.

13 4. Separately, counsel for the FDIC and for Defendant Flor Mendoza wish to explore
14 settlement options and evaluate their positions in this case. They wish to do so without
15 incurring additional litigation costs and unwarranted attorneys fees. For that reason, they too
16 believe that deferral of the Case Management Conference, as well as the Stephane Dessus
17 Motion To Dismiss, would be in the interests of justice.

18 5. Accordingly, the parties agree that the Case Management Conference currently
19 scheduled for July 8, 2011 should be continued to November 18, 2011 at 10:00 A.M. The
20 parties, through their counsel, request and agree that the Court should issue its Order
21 accordingly.

22 Date: June 29, 2011


23 LUSCUTOFF, LENDORMY & ASSOCIATES

24
25 By: 

26 SIDNEY A. LUSCUTOFF, Esq.
27 Attorneys for Defendant Stephane Dessus
28

1 Date: June 29, 2011

HERSHORIN & HENRY. LLP

2
3
4 Bv: 
5 Jean C. Wilcox, Esq.
6 Attorneys for Plaintiff Federal Deposit Insurance
7 Corporation

8 Date: June ____, 2011

ROBERT RODRIGUEZ. ATTORNEY AT LAW

9
10
11 Bv: _____
12 Robert Rodriguez, Esq.
13 Attorneys for Defendant Flor Mendoza

14
15 **ORDER**

16 The Stipulation of the parties having been received and considered; and good cause
17 appearing, IT IS HEREBY ORDERED that the Case Management Conference in this case,
18 now scheduled for July 8, 2011, is **continued to November 18, 2011 at 10:00 A.M.** in
19 Courtroom 1, on the 17th Floor. The Motion To Dismiss of Stephane Dessus shall be deemed
20 withdrawn, without prejudice; and the Dessus motion shall be re-noticed for hearing on
21 November 18, 2011 in the event that his conditional settlement with the FDIC is not finally
22 approved.

23 Date: June ____, 2011

24
25 _____
26 Hon. Samuel Conti
27 United States District Judge

28 4261-03\Dessus Stip Re CMC

1 Date: June ____, 2011

HERSHORIN & HENRY, LLP

2
3
4 Bv: _____
5 Jean Wilcox, Esq.
6 Attorneys for Plaintiff Federal Deposit Insurance
7 Corporation

8 Date: June 30, 2011

ROBERT RODRIGUEZ, ATTORNEY AT LAW

9
10
11 Bv: _____
12 Robert Rodriguez, Esq.
13 Attorneys for Defendant Flor Mendoza
14

15 **ORDER**

16 The Stipulation of the parties having been received and considered; and good cause
17 appearing, IT IS HEREBY ORDERED that the Case Management Conference in this case,
18 now scheduled for July 8, 2011, is **continued to November 18, 2011 at 10:00 A.M.** in
19 Courtroom 1, on the 17th Floor. The Motion To Dismiss of Stephane Dessus shall be deemed
20 withdrawn, without prejudice; and the Dessus motion shall be re-noticed for hearing on
21 November 18, 2011 in the event that his conditional settlement with the FDIC is not finally
22 approved.

23 Date: June 30, 2011

